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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

IN RE GOOGLE INC. GMAIL LITIGATION

Master Docket No.: 13-MD-02430-LHK

THIS DOCUMENT RELATES TO:  
 ALL ACTIONS

**STATEMENT OF RECENT  
 DECISION RELEVANT TO  
 DEFENDANT GOOGLE, INC.'s  
 PENDING MOTION TO DISMISS  
 PLAINTIFFS' CONSOLIDATED  
 INDIVIDUAL AND CLASS ACTION  
 COMPLAINT (Doc. No. 44)**

Date: September 5, 2013  
 Time: 1:30 p.m.  
 Judge: Hon. Lucy H. Koh  
 Place: Courtroom 8—4<sup>th</sup> Floor

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**STATEMENT OF RECENT DECISION RELEVANT TO DEFENDANT GOOGLE,  
 INC.'s PENDING MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED  
 INDIVIDUAL AND CLASS ACTION COMPLAINT (Doc. No. 44)**  
 5:13-MD-002430-LHK

Pursuant to Local Rule 7-3(d)(2), Plaintiffs bring to the Court's attention the recent decision and Order in *Diamond v. Google, Inc.*, Superior Court of the State of California, County of Marin, Case No. CIV-1202715, a copy of which is attached as Exhibit "1" hereto. The Order was entered on August 14, 2013, after Plaintiffs' Opposition to this Motion was filed. The decision and Order is relevant to: Google's Argument, Section IV(c)(1) entitled "CIPA does not apply to email communications" including Google's statement that: "a California Court [*Diamond v. Google*] has specifically held that *CIPA does not apply to the automated processing of email in the Gmail System.*" Doc. No. 44, 21:6-7 (emphasis in original).

Respectfully submitted,

Dated: August 16, 2013

CARTER WOLDEN CURTIS, LLP

By: /s/ Kirk J. Wolden

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